IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3700 OF 2005
IN
CRIMINAL REVISION APPLICATION NO.415 OF 2004.

Manish Gupta and others. ... Applicants.
Versus.
Jayant Champaklal Mehta & ors. ... Respondents.

Shri Sandesh D.Patil for the Applicants.

Shri U.V.Nikam, A.P.P. for the Respondent-State.

CORAM : ABHAY S. OKA, J.

DATED : 10th August, 2005.

P.C.:

1. Heard the learned Counsel for the Applicants. None appears for the Respondent Nos.1 and 2. Shri Nikam, A.P.P. appears for the State.

2. It is pointed by the learned Counsel for the Applicants that in view of order dated 27th October 2004, a sum of Rs.1,60,000/- has been deposited by the Respondent No.1 in the Court of the Metropolitan Magistrate, 28th Court, Mazgaon, Mumbai. The Applicants are the original Complainants in a case under section 138 of the Negotiable Instruments Act. Rule is already issued in the Criminal Revision Application No.415 of 2004. The prayer in this Application is for permitting the Applicants to withdraw the said sum of Rs.1,60,000/-. Though the Applicant can be permitted to withdraw the amount, the same will have to be subject to

the condition of the Applicants furnishing security to the satisfaction of the trial Court.

3. Hence the Application is allowed. The Applicants are permitted to withdraw the sum of Rs.1,60,000/- deposited in the trial Court subject to the Applicants furnishing security to the satisfaction of the trial Court.

4. Parties and the trial Court to act on an autheticated copy of this order.

Judge.